

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DONELL HAYNIE,

Plaintiff,

v.

ANNAMARIE ESQUERRA,

et al., Defendant.

Case No. 1:20-cv-01663-HBK (PC)

ORDER GRANTING PLAINTIFF'S MOTION
FOR TO CHANGE VENUE

(Doc. No. 11)

ORDER TRANSFERRING CASE TO
SACRAMENTO DIVISION

Plaintiff, a prisoner, is proceeding pro se and *in forma pauperis* on his Second Amended Complaint filed on September 1, 2022. (Doc. No. 9). Pending before the Court is Plaintiff's motion to change venue filed December 9, 2022. (Doc. No. 11). Plaintiff requests the Court transfer this action to the Sacramento Division of this Court because the events complained of in Second Amended Complaint took place in Amador County, the Defendant resides in Stockton, and all witnesses are in Ione, California. (*Id.* at 1-2).

Title 28 U.S.C. § 1331(b) provides venue is appropriate where any defendant resides, where a substantial part of the events or omissions giving raise to the claim occurred, or any district in which a defendant is subject to the personal jurisdiction of the court with respect to the action. *Id.*; *see also Ziegler v. Indian River County*, 64 F.3d 470, 474 (9th Cir. 1995) (reviewing federal court jurisdiction and venue in a § 1983 action). While Plaintiff's initial complaint and first amended complaint ("FAC") alleged a substantial part of the events that gave rise to his

1 claims occurred at California State Prison – Corcoran, a substantial part of the events that gave
2 rise to his Second Amended Complaint, the operative complaint, occurred at Mule Creek State
3 Prison. (See Doc. Nos. 1, 3, 9). Because the events giving rise to the cause of action occurred at
4 Mule Creek state Prison, which is located in Amador County, this action should be transferred to
5 the Sacramento Division of this Court. See 28 U.S.C. § 1391(b); see also *Ziegler v. Indian River*
6 *County*, 64 F.3d 470, 474 (9th Cir. 1995) (reviewing federal court jurisdiction and venue in a §
7 1983 action). Pursuant to Local Rule 120(f), a civil action which has not been commenced in the
8 proper court may, on the motion of any party, be transferred to the correct court. The Court finds
9 it in the interests of justice to transfer this case to the Sacramento Division under 28 U.S.C. §
10 1406(a) and Local Rule 120(f).

11 Accordingly, it is **ORDERED**:

12 1. Plaintiff's motion for change of venue (Doc. No. 11) is GRANTED to the extent
13 the Clerk of Court is directed to transfer this action to the Sacramento Division of this Court.

14 2. All future filings shall refer to the new Sacramento case number assigned and shall
15 be mailed for filing to:

16 United States District Court
17 Eastern District of California
501 "I" Street, Suite 4-200
18 Sacramento, CA 95814

19 Dated: December 12, 2022


20 HELENA M. BARCH-KUCHTA
21 UNITED STATES MAGISTRATE JUDGE

22
23
24
25
26
27
28